

HB 803

2012

1 A bill to be entitled
2 An act relating to child protection; amending s.
3 39.01, F.S.; revising the definition of "institutional
4 child abuse or neglect"; amending s. 39.013, F.S.;
5 specifying when jurisdiction attaches for a petition
6 for an injunction to prevent child abuse issued
7 pursuant to specified provisions; amending s. 39.0138,
8 F.S.; revising provisions relating to criminal history
9 records check on persons being considered for
10 placement of a child; requiring a records check
11 through the State Automated Child Welfare Information
12 System; providing for an out-of-state criminal history
13 records check of certain persons who have lived out of
14 state if such records may be obtained; amending s.
15 39.201, F.S.; providing procedures for calls from a
16 parent or legal custodian seeking assistance for
17 himself or herself which do not meet the criteria for
18 being a report of child abuse, abandonment, or
19 neglect, but show a potential future risk of harm to a
20 child and requiring a referral if a need for community
21 services exists; specifying that the central abuse
22 hotline is the first step in the safety assessment and
23 investigation process; amending s. 39.205, F.S.;
24 permitting discontinuance of an investigation of child
25 abuse, abandonment, or neglect during the course of
26 the investigation if it is determined that the report
27 was false; amending s. 39.301, F.S.; substituting
28 references to a standard electronic child welfare case

HB 803

2012

29 | for a master file; revising requirements for such a
30 | file; revising requirements for informing the subject
31 | of an investigation; deleting provisions relating to a
32 | preliminary determination as to whether an
33 | investigation report is complete; revising
34 | requirements for child protective investigation
35 | activities to be performed to determine child safety;
36 | specifying uses for certain criminal justice
37 | information accesses by child protection
38 | investigators; requiring documentation of the present
39 | and impending dangers to each child through use of a
40 | standardized safety assessment; revising provisions
41 | relating to required protective, treatment, and
42 | ameliorative services; revising requirements for the
43 | Department of Children and Family Service's training
44 | program for staff responsible for responding to
45 | reports accepted by the central abuse hotline;
46 | requiring the department's training program at the
47 | regional and district levels to include results of
48 | qualitative reviews of child protective investigation
49 | cases handled within the region or district; revising
50 | requirements for the department's quality assurance
51 | program; amending s. 39.302, F.S.; requiring that a
52 | protective investigation must include an interview
53 | with the child's parent or legal guardian; amending s.
54 | 39.307, F.S.; requiring the department, contracted
55 | sheriff's office providing protective investigation
56 | services, or contracted case management personnel

57 | responsible for providing services to adhere to
58 | certain procedures relating to reports of child-on-
59 | child sexual abuse; deleting a requirement that an
60 | assessment of service and treatment needs to be
61 | completed within a specified period; amending s.
62 | 39.504, F.S.; revising provisions relating to the
63 | process for seeking a child protective injunction;
64 | providing for temporary ex parte injunctions;
65 | providing requirements for service on an alleged
66 | offender; revising provisions relating to the contents
67 | of an injunction; providing for certain relief;
68 | providing requirements for notice of a hearing on a
69 | motion to modify or dissolve an injunction; providing
70 | that a person against whom an injunction is entered
71 | does not automatically become a party to a subsequent
72 | dependency action concerning the same child unless he
73 | or she was a party to the action in which the
74 | injunction was entered; amending s. 39.521, F.S.;
75 | requiring a home study report if a child has been
76 | removed from the home and will be remaining with a
77 | parent; substituting references to the State Automated
78 | Child Welfare Information System for the Florida Abuse
79 | Hotline Information System applicable to records
80 | checks; authorizing submission of fingerprints of
81 | certain household members; authorizing requests for
82 | national criminal history checks and fingerprinting of
83 | any visitor to the home known to the department;
84 | amending s. 39.6011, F.S.; providing additional

HB 803

2012

85 | options for the court with respect to case plans;
86 | providing for expiration of a child's case plan no
87 | later than 12 months after the date the child was
88 | adjudicated dependent; conforming a cross-reference to
89 | changes made by the act; amending s. 39.621, F.S.;
90 | revising terminology relating to permanency
91 | determinations; amending s. 39.701, F.S.; providing
92 | that a court must schedule a judicial review hearing
93 | if the citizen review panel recommends extending the
94 | goal of reunification for any case plan beyond 12
95 | months from the date the child was adjudicated
96 | dependent, unless specified other events occurred
97 | earlier; conforming a cross-reference to changes made
98 | by the act; amending s. 39.8055, F.S.; requiring the
99 | department to file a petition to terminate parental
100 | rights within a certain number of days after the
101 | completion of a specified period after the child was
102 | sheltered or adjudicated dependent, whichever occurs
103 | first; amending s. 39.806, F.S.; increasing the number
104 | of months of failure of the parent or parents to
105 | substantially comply with a child's case plan in
106 | certain circumstances that constitutes evidence of
107 | continuing abuse, neglect, or abandonment and grounds
108 | for termination of parental rights; revising a cross-
109 | reference; amending ss. 39.502, 39.823, and 39.828,
110 | F.S.; conforming cross-references to changes made by
111 | the act; providing an effective date.
112 |

113 Be It Enacted by the Legislature of the State of Florida:

114

115 Section 1. Subsection (33) of section 39.01, Florida
 116 Statutes, is amended to read:

117 39.01 Definitions.—When used in this chapter, unless the
 118 context otherwise requires:

119 (33) "Institutional child abuse or neglect" means
 120 situations of known or suspected child abuse or neglect in which
 121 the person allegedly perpetrating the child abuse or neglect is
 122 an employee of a private school, public or private day care
 123 center, residential home, institution, facility, or agency or
 124 any other person at such institution responsible for the child's
 125 care as defined in subsection (47).

126 Section 2. Subsection (2) of section 39.013, Florida
 127 Statutes, is amended to read:

128 39.013 Procedures and jurisdiction; right to counsel.—

129 (2) The circuit court has exclusive original jurisdiction
 130 of all proceedings under this chapter, of a child voluntarily
 131 placed with a licensed child-caring agency, a licensed child-
 132 placing agency, or the department, and of the adoption of
 133 children whose parental rights have been terminated under this
 134 chapter. Jurisdiction attaches when the initial shelter
 135 petition, dependency petition, or termination of parental rights
 136 petition, or a petition for an injunction to prevent child abuse
 137 issued pursuant to s. 39.504, is filed or when a child is taken
 138 into the custody of the department. The circuit court may assume
 139 jurisdiction over any such proceeding regardless of whether the
 140 child was in the physical custody of both parents, was in the

HB 803

2012

141 sole legal or physical custody of only one parent, caregiver, or
142 some other person, or was not in the physical or legal custody
143 of any ~~ne~~ person when the event or condition occurred that
144 brought the child to the attention of the court. When the court
145 obtains jurisdiction of any child who has been found to be
146 dependent, the court shall retain jurisdiction, unless
147 relinquished by its order, until the child reaches 18 years of
148 age. However, if a youth petitions the court at any time before
149 his or her 19th birthday requesting the court's continued
150 jurisdiction, the juvenile court may retain jurisdiction under
151 this chapter for a period not to exceed 1 year following the
152 youth's 18th birthday for the purpose of determining whether
153 appropriate aftercare support, Road-to-Independence Program,
154 transitional support, mental health, and developmental
155 disability services, to the extent otherwise authorized by law,
156 have been provided to the formerly dependent child who was in
157 the legal custody of the department immediately before his or
158 her 18th birthday. If a petition for special immigrant juvenile
159 status and an application for adjustment of status have been
160 filed on behalf of a foster child and the petition and
161 application have not been granted by the time the child reaches
162 18 years of age, the court may retain jurisdiction over the
163 dependency case solely for the purpose of allowing the continued
164 consideration of the petition and application by federal
165 authorities. Review hearings for the child shall be set solely
166 for the purpose of determining the status of the petition and
167 application. The court's jurisdiction terminates upon the final
168 decision of the federal authorities. Retention of jurisdiction

HB 803

2012

169 in this instance does not affect the services available to a
 170 young adult under s. 409.1451. The court may not retain
 171 jurisdiction of the case after the immigrant child's 22nd
 172 birthday.

173 Section 3. Subsection (1) of section 39.0138, Florida
 174 Statutes, is amended to read:

175 39.0138 Criminal history and other records checks ~~check~~;
 176 limit on placement of a child.—

177 (1) The department shall conduct a records check through
 178 the State Automated Child Welfare Information System (SACWIS)
 179 and a local and statewide criminal history records check on all
 180 persons, including parents, being considered by the department
 181 for placement of a child ~~subject to a placement decision~~ under
 182 this chapter, including all nonrelative placement decisions, and
 183 all members of the household, 12 years of age and older, of the
 184 person being considered, ~~and frequent visitors to the household~~.
 185 For purposes of this section, a criminal history records check
 186 may include, but is not limited to, submission of fingerprints
 187 to the Department of Law Enforcement for processing and
 188 forwarding to the Federal Bureau of Investigation for state and
 189 national criminal history information, and local criminal
 190 records checks through local law enforcement agencies of all
 191 household members 18 years of age and older and other visitors
 192 to the home. An out-of-state criminal history records check must
 193 be initiated for any person 18 years of age or older who resided
 194 in another state if that state allows the release of such
 195 records. A criminal history records check must also include a
 196 ~~search of the department's automated abuse information system.~~

HB 803

2012

197 The department shall establish by rule standards for evaluating
198 any information contained in the automated system relating to a
199 person who must be screened for purposes of making a placement
200 decision.

201 Section 4. Paragraph (a) of subsection (2) and subsection
202 (4) of section 39.201, Florida Statutes, are amended to read:

203 39.201 Mandatory reports of child abuse, abandonment, or
204 neglect; mandatory reports of death; central abuse hotline.—

205 (2) (a) Each report of known or suspected child abuse,
206 abandonment, or neglect by a parent, legal custodian, caregiver,
207 or other person responsible for the child's welfare as defined
208 in this chapter, except those solely under s. 827.04(3), and
209 each report that a child is in need of supervision and care and
210 has no parent, legal custodian, or responsible adult relative
211 immediately known and available to provide supervision and care
212 shall be made immediately to the department's central abuse
213 hotline. Such reports may be made on the single statewide toll-
214 free telephone number or via fax or web-based report. Personnel
215 at the department's central abuse hotline shall determine if the
216 report received meets the statutory definition of child abuse,
217 abandonment, or neglect. Any report meeting one of these
218 definitions shall be accepted for the protective investigation
219 pursuant to part III of this chapter. Any call received from a
220 parent or legal custodian seeking assistance for himself or
221 herself which does not meet the criteria for being a report of
222 child abuse, abandonment, or neglect may be accepted by the
223 hotline for response to ameliorate a potential future risk of
224 harm to a child. If it is determined by a child welfare

HB 803

2012

225 professional that a need for community services exists, the
226 department shall refer the parent or legal custodian for
227 appropriate voluntary community services.

228 (4) The department shall operate ~~establish~~ and maintain a
229 central abuse hotline to receive all reports made pursuant to
230 this section in writing, via fax, via web-based reporting, or
231 through a single statewide toll-free telephone number, which any
232 person may use to report known or suspected child abuse,
233 abandonment, or neglect at any hour of the day or night, any day
234 of the week. The central abuse hotline is the first step in the
235 safety assessment and investigation process. The central abuse
236 hotline shall be operated in such a manner as to enable the
237 department to:

238 (a) Immediately identify and locate prior reports or cases
239 of child abuse, abandonment, or neglect through utilization of
240 the department's automated tracking system.

241 (b) Monitor and evaluate the effectiveness of the
242 department's program for reporting and investigating suspected
243 abuse, abandonment, or neglect of children through the
244 development and analysis of statistical and other information.

245 (c) Track critical steps in the investigative process to
246 ensure compliance with all requirements for any report of abuse,
247 abandonment, or neglect.

248 (d) Maintain and produce aggregate statistical reports
249 monitoring patterns of child abuse, child abandonment, and child
250 neglect. The department shall collect and analyze child-on-child
251 sexual abuse reports and include the information in aggregate
252 statistical reports.

253 (e) Serve as a resource for the evaluation, management,
 254 and planning of preventive and remedial services for children
 255 who have been subject to abuse, abandonment, or neglect.

256 (f) Initiate and enter into agreements with other states
 257 for the purpose of gathering and sharing information contained
 258 in reports on child maltreatment to further enhance programs for
 259 the protection of children.

260 Section 5. Subsections (3) and (5) of section 39.205,
 261 Florida Statutes, are amended to read:

262 39.205 Penalties relating to reporting of child abuse,
 263 abandonment, or neglect.—

264 (3) A person who knowingly and willfully makes public or
 265 discloses any confidential information contained in the central
 266 abuse hotline or in the records of any child abuse, abandonment,
 267 or neglect case, except as provided in this chapter, commits ~~is~~
 268 ~~guilty of~~ a misdemeanor of the second degree, punishable as
 269 provided in s. 775.082 or s. 775.083.

270 (5) If the department or its authorized agent has
 271 determined during the course of ~~after~~ its investigation that a
 272 report is a false report, the department may discontinue all
 273 investigative activities and shall, with the consent of the
 274 alleged perpetrator, refer the report to the local law
 275 enforcement agency having jurisdiction for an investigation to
 276 determine whether sufficient evidence exists to refer the case
 277 for prosecution for filing a false report as defined in s.
 278 39.01. During the pendency of the investigation, the department
 279 must notify the local law enforcement agency of, and the local
 280 law enforcement agency must respond to, all subsequent reports

HB 803

2012

281 concerning children in that same family in accordance with s.
282 39.301. If the law enforcement agency believes that there are
283 indicators of abuse, abandonment, or neglect, it must
284 immediately notify the department, which must ensure the safety
285 of the children. If the law enforcement agency finds sufficient
286 evidence for prosecution for filing a false report, it must
287 refer the case to the appropriate state attorney for
288 prosecution.

289 Section 6. Section 39.301, Florida Statutes, is amended to
290 read:

291 39.301 Initiation of protective investigations.—

292 (1) Upon receiving a report of known or suspected child
293 abuse, abandonment, or neglect, or that a child is in need of
294 supervision and care and has no parent, legal custodian, or
295 responsible adult relative immediately known and available to
296 provide supervision and care, the central abuse hotline shall
297 determine if the report requires an immediate onsite protective
298 investigation. For reports requiring an immediate onsite
299 protective investigation, the central abuse hotline shall
300 immediately notify the department's designated district staff
301 responsible for protective investigations to ensure that an
302 onsite investigation is promptly initiated. For reports not
303 requiring an immediate onsite protective investigation, the
304 central abuse hotline shall notify the department's designated
305 district staff responsible for protective investigations in
306 sufficient time to allow for an investigation. At the time of
307 notification, the central abuse hotline shall also provide
308 information to district staff on any previous report concerning

HB 803

2012

309 a subject of the present report or any pertinent information
310 relative to the present report or any noted earlier reports.

311 (2) (a) The department shall immediately forward
312 allegations of criminal conduct to the municipal or county law
313 enforcement agency of the municipality or county in which the
314 alleged conduct has occurred.

315 (b) As used in this subsection, the term "criminal
316 conduct" means:

317 1. A child is known or suspected to be the victim of child
318 abuse, as defined in s. 827.03, or of neglect of a child, as
319 defined in s. 827.03.

320 2. A child is known or suspected to have died as a result
321 of abuse or neglect.

322 3. A child is known or suspected to be the victim of
323 aggravated child abuse, as defined in s. 827.03.

324 4. A child is known or suspected to be the victim of
325 sexual battery, as defined in s. 827.071, or of sexual abuse, as
326 defined in s. 39.01.

327 5. A child is known or suspected to be the victim of
328 institutional child abuse or neglect, as defined in s. 39.01,
329 and as provided for in s. 39.302(1).

330 6. A child is known or suspected to be a victim of human
331 trafficking, as provided in s. 787.06.

332 (c) Upon receiving a written report of an allegation of
333 criminal conduct from the department, the law enforcement agency
334 shall review the information in the written report to determine
335 whether a criminal investigation is warranted. If the law
336 enforcement agency accepts the case for criminal investigation,

HB 803

2012

337 it shall coordinate its investigative activities with the
338 department, whenever feasible. If the law enforcement agency
339 does not accept the case for criminal investigation, the agency
340 shall notify the department in writing.

341 (d) The local law enforcement agreement required in s.
342 39.306 shall describe the specific local protocols for
343 implementing this section.

344 (3) The department shall maintain a single, standard
345 electronic child welfare case ~~master~~ file for each child whose
346 report is accepted by the central abuse hotline for
347 investigation. Such file must contain information concerning all
348 reports received by the abuse hotline concerning that child and
349 all services received by that child and family. The file must be
350 made available to any department staff, agent of the department,
351 or contract provider given responsibility for conducting a
352 protective investigation.

353 (4) To the extent practical, all protective investigations
354 involving a child shall be conducted or the work supervised by a
355 single individual in order for there to be broad knowledge and
356 understanding of the child's history. When a new investigator is
357 assigned to investigate a second and subsequent report involving
358 a child, a multidisciplinary staffing shall be conducted which
359 includes new and prior investigators, their supervisors, and
360 appropriate private providers in order to ensure that, to the
361 extent possible, there is coordination among all parties. The
362 department shall establish an internal operating procedure that
363 ensures that all required investigatory activities, including a
364 review of the child's complete investigative and protective

365 services history, are completed by the investigator, reviewed by
 366 the supervisor in a timely manner, and signed and dated by both
 367 the investigator and the supervisor.

368 (5) (a) Upon commencing an investigation under this part,
 369 the child protective investigator shall inform any subject of
 370 the investigation of the following:

371 1. The names of the investigators and identifying
 372 credentials from the department.

373 2. The purpose of the investigation.

374 3. The right to obtain his or her own attorney and ways
 375 that the information provided by the subject may be used.

376 4. The possible outcomes and services of the department's
 377 response ~~shall be explained to the parent or legal custodian.~~

378 5. The right of the parent or legal custodian to be
 379 engaged ~~involved~~ to the fullest extent possible in determining
 380 the nature of the allegation and the nature of any identified
 381 problem and the remedy.

382 6. The duty of the parent or legal custodian to report any
 383 change in the residence or location of the child to the
 384 investigator and that the duty to report continues until the
 385 investigation is closed.

386 (b) The investigator shall ~~department's training program~~
 387 ~~shall ensure that protective investigators know how to~~ fully
 388 inform parents or legal custodians of their rights and options,
 389 including opportunities for audio or video recording of
 390 investigators' interviews with parents or legal custodians or
 391 children.

392 (6) Upon commencing an investigation under this part, if a

HB 803

2012

393 | report was received from a reporter under s. 39.201(1)(b), the
 394 | protective investigator must provide his or her contact
 395 | information to the reporter within 24 hours after being assigned
 396 | to the investigation. The investigator must also advise the
 397 | reporter that he or she may provide a written summary of the
 398 | report made to the central abuse hotline to the investigator
 399 | which shall become a part of the electronic child welfare case
 400 | ~~master~~ file.

401 | (7) An assessment of safety risk and the perceived needs
 402 | for the child and family shall be conducted in a manner that is
 403 | sensitive to the social, economic, and cultural environment of
 404 | the family. This assessment must include a face-to-face
 405 | interview with the child, other siblings, parents, and other
 406 | adults in the household and an onsite assessment of the child's
 407 | residence.

408 | (8) Protective investigations shall be performed by the
 409 | department or its agent.

410 | ~~(9) The person responsible for the investigation shall~~
 411 | ~~make a preliminary determination as to whether the report is~~
 412 | ~~complete, consulting with the attorney for the department when~~
 413 | ~~necessary. In any case in which the person responsible for the~~
 414 | ~~investigation finds that the report is incomplete, he or she~~
 415 | ~~shall return it without delay to the person or agency~~
 416 | ~~originating the report or having knowledge of the facts, or to~~
 417 | ~~the appropriate law enforcement agency having investigative~~
 418 | ~~jurisdiction, and request additional information in order to~~
 419 | ~~complete the report; however, the confidentiality of any report~~
 420 | ~~filed in accordance with this chapter shall not be violated.~~

HB 803

2012

421 ~~(a) If it is determined that the report is complete, but~~
422 ~~the interests of the child and the public will be best served by~~
423 ~~providing the child care or other treatment voluntarily accepted~~
424 ~~by the child and the parents or legal custodians, the protective~~
425 ~~investigator may refer the parent or legal custodian and child~~
426 ~~for such care or other treatment.~~

427 ~~(b) If it is determined that the child is in need of the~~
428 ~~protection and supervision of the court, the department shall~~
429 ~~file a petition for dependency. A petition for dependency shall~~
430 ~~be filed in all cases classified by the department as high risk.~~
431 ~~Factors that the department may consider in determining whether~~
432 ~~a case is high risk include, but are not limited to, the young~~
433 ~~age of the parents or legal custodians; the use of illegal~~
434 ~~drugs; the arrest of the parents or legal custodians on charges~~
435 ~~of manufacturing, processing, disposing of, or storing, either~~
436 ~~temporarily or permanently, any substances in violation of~~
437 ~~chapter 893; or domestic violence.~~

438 ~~(c) If a petition for dependency is not being filed by the~~
439 ~~department, the person or agency originating the report shall be~~
440 ~~advised of the right to file a petition pursuant to this part.~~

441 (9) (10) (a) For each report received from the central abuse
442 hotline and accepted for investigation that meets one or more of
443 the following criteria, the department or the sheriff providing
444 child protective investigative services under s. 39.3065, shall
445 perform the following an onsite child protective investigation
446 activities to determine child safety:

447 1. Conduct a review of all relevant, available information
448 specific to the child and family and alleged maltreatment;

HB 803

2012

449 family child welfare history; local, state, and federal criminal
450 records checks; and requests for law enforcement assistance
451 provided by the abuse hotline. Based on a review of available
452 information, including the allegations in the current report, a
453 determination shall be made as to whether immediate consultation
454 should occur with law enforcement, the child protection team, a
455 domestic violence shelter or advocate, or a substance abuse or
456 mental health professional. Such consultations should include
457 discussion as to whether a joint response is necessary and
458 feasible. A determination shall be made as to whether the person
459 making the report should be contacted before the face-to-face
460 interviews with the child and family members ~~A report for which~~
461 ~~there is obvious compelling evidence that no maltreatment~~
462 ~~occurred and there are no prior reports containing some~~
463 ~~indicators or verified findings of abuse or neglect with respect~~
464 ~~to any subject of the report or other individuals in the home. A~~
465 ~~prior report in which an adult in the home was a victim of abuse~~
466 ~~or neglect before becoming an adult does not exclude a report~~
467 ~~otherwise meeting the criteria of this subparagraph from the~~
468 ~~onsite child protective investigation provided for in this~~
469 ~~subparagraph. The process for an onsite child protective~~
470 ~~investigation stipulated in this subsection may not be conducted~~
471 ~~if an allegation meeting the criteria of this subparagraph~~
472 ~~involves physical abuse, sexual abuse, domestic violence,~~
473 ~~substance abuse or substance exposure, medical neglect, a child~~
474 ~~younger than 3 years of age, or a child who is disabled or lacks~~
475 ~~communication skills.~~

476 2. Conduct ~~A report concerning an incident of abuse which~~

HB 803

2012

477 ~~is alleged to have occurred 2 or more years prior to the date of~~
478 ~~the report and there are no other indicators of risk to any~~
479 ~~child in the home.~~

480 ~~(b) The onsite child protective investigation to be~~
481 ~~performed shall include a face-to-face interviews interview with~~
482 ~~the child; other siblings, if any; and the parents, legal~~
483 ~~custodians, or caregivers.; and other adults in the household~~
484 ~~and an onsite assessment of the child's residence in order to:~~

485 3.1. Assess the child's residence, including a
486 determination of ~~Determine~~ the composition of the family ~~and~~ ~~or~~
487 household, including the name, address, date of birth, social
488 security number, sex, and race of each child named in the
489 report; any siblings or other children in the same household or
490 in the care of the same adults; the parents, legal custodians,
491 or caregivers; and any other adults in the same household.

492 4.2. Determine whether there is any indication that any
493 child in the family or household has been abused, abandoned, or
494 neglected; the nature and extent of present or prior injuries,
495 abuse, or neglect, and any evidence thereof; and a determination
496 as to the person or persons apparently responsible for the
497 abuse, abandonment, or neglect, including the name, address,
498 date of birth, social security number, sex, and race of each
499 such person.

500 5.3. Complete assessment of immediate child safety for
501 ~~Determine the immediate and long-term risk to each child~~ based
502 on available records, interviews, and observations with all
503 persons named in paragraph (10) (a) and appropriate collateral
504 contacts, which may include other professionals ~~by conducting~~

505 ~~state and federal records checks, including, when feasible, the~~
 506 ~~records of the Department of Corrections, on the parents, legal~~
 507 ~~eustodians, or caregivers, and any other persons in the same~~
 508 ~~household. This information shall be used solely for purposes~~
 509 ~~supporting the detection, apprehension, prosecution, pretrial~~
 510 ~~release, posttrial release, or rehabilitation of criminal~~
 511 ~~offenders or persons accused of the crimes of child abuse,~~
 512 ~~abandonment, or neglect and shall not be further disseminated or~~
 513 ~~used for any other purpose.~~ The department's child protection
 514 investigators are hereby designated a criminal justice agency
 515 for the purpose of accessing criminal justice information to be
 516 used for enforcing this state's laws concerning the crimes of
 517 child abuse, abandonment, and neglect. This information shall be
 518 used solely for purposes supporting the detection, apprehension,
 519 prosecution, pretrial release, posttrial release, or
 520 rehabilitation of criminal offenders or persons accused of the
 521 crimes of child abuse, abandonment, or neglect and may not be
 522 further disseminated or used for any other purpose.

523 6.4. Document the present and impending dangers ~~Determine~~
 524 ~~the immediate and long-term risk to each child based on the~~
 525 identification of inadequate protective capacity through
 526 utilization of a standardized safety risk assessment instrument
 527 instruments.

528 (b) Upon completion of the immediate safety assessment,
 529 the department shall determine the additional activities
 530 necessary to assess impending dangers, if any, and close the
 531 investigation.

532 ~~5. Based on the information obtained from available~~

HB 803

2012

533 ~~sources, complete the risk assessment instrument within 48 hours~~
534 ~~after the initial contact and, if needed, develop a case plan.~~

535 (c)6. For each report received from the central abuse
536 hotline, the department or the sheriff providing child
537 protective investigative services under s. 39.3065, shall
538 determine the protective, treatment, and ameliorative services
539 necessary to safeguard and ensure the child's safety and well-
540 being and development, and cause the delivery of those services
541 through the early intervention of the department or its agent.
542 As applicable, The training provided to staff members who
543 conduct child protective investigators investigations must
544 inform parents and caregivers include instruction on how and
545 when to use the injunction process under s. 39.504 or s. 741.30
546 to remove a perpetrator of domestic violence from the home as an
547 intervention to protect the child.

548 1. If the department or the sheriff providing child
549 protective investigative services determines that the interests
550 of the child and the public will be best served by providing the
551 child care or other treatment voluntarily accepted by the child
552 and the parents or legal custodians, the parent or legal
553 custodian and child may be referred for such care, case
554 management, or other community resources.

555 2. If the department or the sheriff providing child
556 protective investigative services determines that the child is
557 in need of protection and supervision, the department may file a
558 petition for dependency.

559 3. If a petition for dependency is not being filed by the
560 department, the person or agency originating the report shall be

HB 803

2012

561 advised of the right to file a petition pursuant to this part.

562 ~~(c) The determination that a report requires an~~
563 ~~investigation as provided in this subsection and does not~~
564 ~~require an enhanced onsite child protective investigation~~
565 ~~pursuant to subsection (11) must be approved in writing by the~~
566 ~~supervisor with documentation specifying why additional~~
567 ~~investigative activities are not necessary.~~

568 ~~(d) A report that meets the criteria specified in this~~
569 ~~subsection is not precluded from further investigative~~
570 ~~activities. At any time it is determined that additional~~
571 ~~investigative activities are necessary for the safety of the~~
572 ~~child, such activities shall be conducted.~~

573 (10)(11)(a) The department's training program for staff
574 responsible for responding to reports accepted by the central
575 abuse hotline must also ensure that child protective responders:

576 1. Know how to fully inform parents or legal custodians of
577 their rights and options, including opportunities for audio or
578 video recording of child protective responder interviews with
579 parents or legal custodians or children.

580 2. Know how and when to use the injunction process under
581 s. 39.504 or s. 741.30 to remove a perpetrator of domestic
582 violence from the home as an intervention to protect the child.

583 (b) To enhance the skills of individual staff members and
584 to improve the region's and district's overall child protection
585 system, the department's training program at the regional and
586 district levels must include results of qualitative reviews of
587 child protective investigation cases handled within the region
588 or district in order to identify weaknesses as well as examples

HB 803

2012

589 of effective interventions which occurred at each point in the
590 case. ~~For each report that meets one or more of the following~~
591 ~~criteria, the department shall perform an enhanced onsite child~~
592 ~~protective investigation:~~

593 1. ~~Any allegation that involves physical abuse, sexual~~
594 ~~abuse, domestic violence, substance abuse or substance exposure,~~
595 ~~medical neglect, a child younger than 3 years of age, or a child~~
596 ~~who is disabled or lacks communication skills.~~

597 2. ~~Any report that involves an individual who has been the~~
598 ~~subject of a prior report containing some indicators or verified~~
599 ~~findings of abuse, neglect, or abandonment.~~

600 3. ~~Any report that does not contain compelling evidence~~
601 ~~that the maltreatment did not occur.~~

602 4. ~~Any report that does not meet the criteria for an~~
603 ~~onsite child protective investigation as set forth in subsection~~
604 ~~(10).~~

605 ~~(b) The enhanced onsite child protective investigation~~
606 ~~shall include, but is not limited to:~~

607 1. ~~A face to face interview with the child, other~~
608 ~~siblings, parents or legal custodians or caregivers, and other~~
609 ~~adults in the household;~~

610 2. ~~Collateral contacts;~~

611 3. ~~Contact with the reporter as required by rule;~~

612 4. ~~An onsite assessment of the child's residence in~~
613 ~~accordance with paragraph (10) (b); and~~

614 5. ~~An updated assessment.~~

615 (c) For all reports received, detailed documentation is
616 required for the investigative activities.

HB 803

2012

617 ~~(11)-(12)~~ The department shall incorporate into its quality
618 assurance program the monitoring of ~~the determination of~~ reports
619 that receive a ~~an onsite~~ child protective investigation to
620 determine the quality and timeliness of safety assessments,
621 engagements with families, teamwork with other experts and
622 professionals, and appropriate investigative activities that are
623 uniquely tailored to the safety factors associated with each
624 child and family ~~and those that receive an enhanced onsite child~~
625 ~~protective investigation.~~

626 ~~(12)-(13)~~ If the department or its agent is denied
627 reasonable access to a child by the parents, legal custodians,
628 or caregivers and the department deems that the best interests
629 of the child so require, it shall seek an appropriate court
630 order or other legal authority before ~~prior to~~ examining and
631 interviewing the child.

632 ~~(13)-(14)~~ Onsite visits and face-to-face interviews with
633 the child or family shall be unannounced unless it is determined
634 by the department or its agent or contract provider that such
635 unannounced visit would threaten the safety of the child.

636 ~~(14)-(15)~~(a) If the department or its agent determines that
637 a child requires immediate or long-term protection through:

- 638 1. Medical or other health care; or
639 2. Homemaker care, day care, protective supervision, or
640 other services to stabilize the home environment, including
641 intensive family preservation services through the Intensive
642 Crisis Counseling Program,

643
644 such services shall first be offered for voluntary acceptance

HB 803

2012

645 unless there are high-risk factors that may impact the ability
646 of the parents or legal custodians to exercise judgment. Such
647 factors may include the parents' or legal custodians' young age
648 or history of substance abuse or domestic violence.

649 (b) The parents or legal custodians shall be informed of
650 the right to refuse services, as well as the responsibility of
651 the department to protect the child regardless of the acceptance
652 or refusal of services. If the services are refused, a
653 collateral contact required under subparagraph (10) (b) 2.
654 ~~(11) (b) 2.~~ shall include a relative, if the protective
655 investigator has knowledge of and the ability to contact a
656 relative. If the services are refused and the department deems
657 that the child's need for protection so requires, the department
658 shall take the child into protective custody or petition the
659 court as provided in this chapter. At any time after the
660 commencement of a protective investigation, a relative may
661 submit in writing to the protective investigator or case manager
662 a request to receive notification of all proceedings and
663 hearings in accordance with s. 39.502. The request shall include
664 the relative's name, address, and phone number and the
665 relative's relationship to the child. The protective
666 investigator or case manager shall forward such request to the
667 attorney for the department. The failure to provide notice to
668 either a relative who requests it pursuant to this subsection or
669 to a relative who is providing out-of-home care for a child may
670 ~~shall~~ not result in any previous action of the court at any
671 stage or proceeding in dependency or termination of parental
672 rights under any part of this chapter being set aside, reversed,

HB 803

2012

673 modified, or in any way changed absent a finding by the court
674 that a change is required in the child's best interests.

675 (c) The department, in consultation with the judiciary,
676 shall adopt by rule criteria that are factors requiring that the
677 department take the child into custody, petition the court as
678 provided in this chapter, or, if the child is not taken into
679 custody or a petition is not filed with the court, conduct an
680 administrative review. If after an administrative review the
681 department determines not to take the child into custody or
682 petition the court, the department shall document the reason for
683 its decision in writing and include it in the investigative
684 file. For all cases that were accepted by the local law
685 enforcement agency for criminal investigation pursuant to
686 subsection (2), the department must include in the file written
687 documentation that the administrative review included input from
688 law enforcement. In addition, for all cases that must be
689 referred to child protection teams pursuant to s. 39.303(2) and
690 (3), the file must include written documentation that the
691 administrative review included the results of the team's
692 evaluation. Factors that must be included in the development of
693 the rule include noncompliance with the case plan developed by
694 the department, or its agent, and the family under this chapter
695 and prior abuse reports with findings that involve the child or
696 caregiver.

697 (15)~~(16)~~ When a child is taken into custody pursuant to
698 this section, the authorized agent of the department shall
699 request that the child's parent, caregiver, or legal custodian
700 disclose the names, relationships, and addresses of all parents

HB 803

2012

701 and prospective parents and all next of kin, so far as are
702 known.

703 (16)~~(17)~~ The department shall complete its protective
704 investigation within 60 days after receiving the initial report,
705 unless:

706 (a) There is also an active, concurrent criminal
707 investigation that is continuing beyond the 60-day period and
708 the closure of the protective investigation may compromise
709 successful criminal prosecution of the child abuse or neglect
710 case, in which case the closure date shall coincide with the
711 closure date of the criminal investigation and any resulting
712 legal action.

713 (b) In child death cases, the final report of the medical
714 examiner is necessary for the department to close its
715 investigation and the report has not been received within the
716 60-day period, in which case the report closure date shall be
717 extended to accommodate the report.

718 (c) A child who is necessary to an investigation has been
719 declared missing by the department, a law enforcement agency, or
720 a court, in which case the 60-day period shall be extended until
721 the child has been located or until sufficient information
722 exists to close the investigation despite the unknown location
723 of the child.

724 (17)~~(18)~~ Immediately upon learning during the course of an
725 investigation that:

726 (a) The immediate safety or well-being of a child is
727 endangered;

728 (b) The family is likely to flee;

HB 803

2012

729 (c) A child died as a result of abuse, abandonment, or
 730 neglect;

731 (d) A child is a victim of aggravated child abuse as
 732 defined in s. 827.03; or

733 (e) A child is a victim of sexual battery or of sexual
 734 abuse,

735
 736 the department shall ~~orally~~ notify the jurisdictionally
 737 responsible state attorney, and county sheriff's office or local
 738 police department, and, within 3 working days, transmit a full
 739 written report to those agencies. The law enforcement agency
 740 shall review the report and determine whether a criminal
 741 investigation needs to be conducted and shall assume lead
 742 responsibility for all criminal fact-finding activities. A
 743 criminal investigation shall be coordinated, whenever possible,
 744 with the child protective investigation of the department. Any
 745 interested person who has information regarding an offense
 746 described in this subsection may forward a statement to the
 747 state attorney as to whether prosecution is warranted and
 748 appropriate.

749 (18) ~~(19)~~ In a child protective investigation or a criminal
 750 investigation, when the initial interview with the child is
 751 conducted at school, the department or the law enforcement
 752 agency may allow, notwithstanding ~~the provisions of s.~~
 753 39.0132(4), a school staff member who is known by the child to
 754 be present during the initial interview if:

755 (a) The department or law enforcement agency believes that
 756 the school staff member could enhance the success of the

HB 803

2012

757 interview by his or her presence; and

758 (b) The child requests or consents to the presence of the
759 school staff member at the interview.

760

761 School staff may be present only when authorized by this
762 subsection. Information received during the interview or from
763 any other source regarding the alleged abuse or neglect of the
764 child is ~~shall be~~ confidential and exempt from ~~the provisions of~~
765 s. 119.07(1), except as otherwise provided by court order. A
766 separate record of the investigation of the abuse, abandonment,
767 or neglect may ~~shall~~ not be maintained by the school or school
768 staff member. Violation of this subsection is ~~constitutes~~ a
769 misdemeanor of the second degree, punishable as provided in s.
770 775.082 or s. 775.083.

771 (19) ~~(20)~~ When a law enforcement agency conducts a criminal
772 investigation into allegations of child abuse, neglect, or
773 abandonment, photographs documenting the abuse or neglect shall
774 ~~will~~ be taken when appropriate.

775 (20) ~~(21)~~ Within 15 days after the case is reported to him
776 or her pursuant to this chapter, the state attorney shall report
777 his or her findings to the department and shall include in such
778 report a determination of whether or not prosecution is
779 justified and appropriate in view of the circumstances of the
780 specific case.

781 ~~(22) In order to enhance the skills of individual staff
782 and to improve the district's overall child protection system,
783 the department's training program at the district level must
784 include periodic reviews of cases handled within the district in~~

HB 803

2012

785 ~~order to identify weaknesses as well as examples of effective~~
786 ~~interventions that occurred at each point in the case.~~

787 (21)~~(23)~~ When an investigation is closed and a person is
788 not identified as a caregiver responsible for the abuse,
789 neglect, or abandonment alleged in the report, the fact that the
790 person is named in some capacity in the report may not be used
791 in any way to adversely affect the interests of that person.
792 This prohibition applies to any use of the information in
793 employment screening, licensing, child placement, adoption, or
794 any other decisions by a private adoption agency or a state
795 agency or its contracted providers, except that a previous
796 report may be used to determine whether a child is safe and what
797 the known risk is to the child at any stage of a child
798 protection proceeding.

799 (22)~~(24)~~ If, after having been notified of the requirement
800 to report a change in residence or location of the child to the
801 protective investigator, a parent or legal custodian causes the
802 child to move, or allows the child to be moved, to a different
803 residence or location, or if the child leaves the residence on
804 his or her own accord and the parent or legal custodian does not
805 notify the protective investigator of the move within 2 business
806 days, the child may be considered to be a missing child for the
807 purposes of filing a report with a law enforcement agency under
808 s. 937.021.

809 Section 7. Subsection (1) of section 39.302, Florida
810 Statutes, is amended to read:

811 39.302 Protective investigations of institutional child
812 abuse, abandonment, or neglect.—

HB 803

2012

813 (1) The department shall conduct a child protective
814 investigation of each report of institutional child abuse,
815 abandonment, or neglect. Upon receipt of a report that alleges
816 that an employee or agent of the department, or any other entity
817 or person covered by s. 39.01(33) or (47), acting in an official
818 capacity, has committed an act of child abuse, abandonment, or
819 neglect, the department shall initiate a child protective
820 investigation within the timeframe established under s.
821 39.201(5) and ~~orally~~ notify the appropriate state attorney, law
822 enforcement agency, and licensing agency, which shall
823 immediately conduct a joint investigation, unless independent
824 investigations are more feasible. When conducting investigations
825 ~~onsite~~ or having face-to-face interviews with the child,
826 investigation visits shall be unannounced unless it is
827 determined by the department or its agent that unannounced
828 visits threaten the safety of the child. If a facility is exempt
829 from licensing, the department shall inform the owner or
830 operator of the facility of the report. Each agency conducting a
831 joint investigation is entitled to full access to the
832 information gathered by the department in the course of the
833 investigation. A protective investigation must include an
834 interview with the child's parent or legal guardian ~~an onsite~~
835 ~~visit of the child's place of residence~~. The department shall
836 make a full written report to the state attorney within 3
837 working days after making the oral report. A criminal
838 investigation shall be coordinated, whenever possible, with the
839 child protective investigation of the department. Any interested
840 person who has information regarding the offenses described in

HB 803

2012

841 | this subsection may forward a statement to the state attorney as
842 | to whether prosecution is warranted and appropriate. Within 15
843 | days after the completion of the investigation, the state
844 | attorney shall report the findings to the department and shall
845 | include in the report a determination of whether or not
846 | prosecution is justified and appropriate in view of the
847 | circumstances of the specific case.

848 | Section 8. Subsection (2) of section 39.307, Florida
849 | Statutes, is amended to read:

850 | 39.307 Reports of child-on-child sexual abuse.—

851 | (2) The department, contracted sheriff's office providing
852 | protective investigation services, or contracted case management
853 | personnel responsible for providing services ~~District staff~~, at
854 | a minimum, shall adhere to the following procedures:

855 | (a) The purpose of the response to a report alleging
856 | juvenile sexual abuse behavior shall be explained to the
857 | caregiver.

858 | 1. The purpose of the response shall be explained in a
859 | manner consistent with legislative purpose and intent provided
860 | in this chapter.

861 | 2. The name and office telephone number of the person
862 | responding shall be provided to the caregiver of the alleged
863 | juvenile sexual offender or child who has exhibited
864 | inappropriate sexual behavior and the victim's caregiver.

865 | 3. The possible consequences of the department's response,
866 | including outcomes and services, shall be explained to the
867 | caregiver of the alleged juvenile sexual offender or child who
868 | has exhibited inappropriate sexual behavior and the victim's

HB 803

2012

869 caregiver.

870 (b) The caregiver of the alleged juvenile sexual offender
871 or child who has exhibited inappropriate sexual behavior and the
872 victim's caregiver shall be involved to the fullest extent
873 possible in determining the nature of the sexual behavior
874 concerns ~~allegation~~ and the nature of any problem or risk to
875 other children.

876 (c) The assessment of risk and the perceived treatment
877 needs of the alleged juvenile sexual offender or child who has
878 exhibited inappropriate sexual behavior, the victim, and
879 respective caregivers shall be conducted by the district staff,
880 the child protection team of the Department of Health, and other
881 providers under contract with the department to provide services
882 to the caregiver of the alleged offender, the victim, and the
883 victim's caregiver.

884 (d) The assessment shall be conducted in a manner that is
885 sensitive to the social, economic, and cultural environment of
886 the family.

887 (e) If necessary, the child protection team of the
888 Department of Health shall conduct a physical examination of the
889 victim, which is sufficient to meet forensic requirements.

890 (f) Based on the information obtained from the alleged
891 juvenile sexual offender or child who has exhibited
892 inappropriate sexual behavior, his or her caregiver, the victim,
893 and the victim's caregiver, an assessment of service and
894 treatment needs ~~report~~ must be completed ~~within 7 days~~ and, if
895 needed, a case plan developed within 30 days.

896 (g) The department shall classify the outcome of the

897 | report as follows:

898 | 1. Report closed. Services were not offered because the
899 | department determined that there was no basis for intervention.

900 | 2. Services accepted by alleged juvenile sexual offender.
901 | Services were offered to the alleged juvenile sexual offender or
902 | child who has exhibited inappropriate sexual behavior and
903 | accepted by the caregiver.

904 | 3. Report closed. Services were offered to the alleged
905 | juvenile sexual offender or child who has exhibited
906 | inappropriate sexual behavior, but were rejected by the
907 | caregiver.

908 | 4. Notification to law enforcement. The risk to the
909 | victim's safety and well-being cannot be reduced by the
910 | provision of services or the caregiver rejected services, and
911 | notification of the alleged delinquent act or violation of law
912 | to the appropriate law enforcement agency was initiated.

913 | 5. Services accepted by victim. Services were offered to
914 | the victim and accepted by the caregiver.

915 | 6. Report closed. Services were offered to the victim but
916 | were rejected by the caregiver.

917 | Section 9. Section 39.504, Florida Statutes, is amended to
918 | read:

919 | 39.504 Injunction pending disposition of petition;
920 | penalty.—

921 | (1) At any time after a protective investigation has been
922 | initiated pursuant to part III of this chapter, the court, upon
923 | the request of the department, a law enforcement officer, the
924 | state attorney, or other responsible person, or upon its own

HB 803

2012

925 motion, may, if there is reasonable cause, issue an injunction
926 to prevent any act of child abuse. Reasonable cause for the
927 issuance of an injunction exists if there is evidence of child
928 abuse or if there is a reasonable likelihood of such abuse
929 occurring based upon a recent overt act or failure to act.

930 (2) The petitioner seeking the injunction shall file a
931 verified petition, or a petition along with an affidavit,
932 setting forth the specific actions by the alleged offender from
933 which the child must be protected and all remedies sought. Upon
934 filing the petition, the court shall set a hearing to be held at
935 the earliest possible time. Pending the hearing, the court may
936 issue a temporary ex parte injunction, with verified pleadings
937 or affidavits as evidence. The temporary ex parte injunction
938 pending a hearing is effective for up to 15 days and the hearing
939 must be held within that period unless continued for good cause
940 shown, which may include obtaining service of process, in which
941 case the temporary ex parte injunction shall be extended for the
942 continuance period. The hearing may be held sooner if the
943 alleged offender has received reasonable notice ~~Notice shall be~~
944 ~~provided to the parties as set forth in the Florida Rules of~~
945 ~~Juvenile Procedure, unless the child is reported to be in~~
946 ~~imminent danger, in which case the court may issue an injunction~~
947 ~~immediately. A judge may issue an emergency injunction pursuant~~
948 ~~to this section without notice if the court is closed for the~~
949 ~~transaction of judicial business. If an immediate injunction is~~
950 ~~issued, the court must hold a hearing on the next day of~~
951 ~~judicial business to dissolve the injunction or to continue or~~
952 ~~modify it in accordance with this section.~~

953 (3) Before the hearing, the alleged offender must be
 954 personally served with a copy of the petition, all other
 955 pleadings related to the petition, a notice of hearing, and, if
 956 one has been entered, the temporary injunction. Following the
 957 hearing, the court may enter a final injunction. The court may
 958 grant a continuance of the hearing at any time for good cause
 959 shown by any party. If a temporary injunction has been entered,
 960 it shall be continued during the continuance.

961 (4)~~(3)~~ If an injunction is issued under this section, the
 962 primary purpose of the injunction must be to protect and promote
 963 the best interests of the child, taking the preservation of the
 964 child's immediate family into consideration.

965 (a) The injunction applies ~~shall apply~~ to the alleged or
 966 actual offender in a case of child abuse or acts of domestic
 967 violence. The conditions of the injunction shall be determined
 968 by the court, which ~~conditions~~ may include ordering the alleged
 969 or actual offender to:

- 970 1. Refrain from further abuse or acts of domestic
- 971 violence.
- 972 2. Participate in a specialized treatment program.
- 973 3. Limit contact or communication with the child victim,
- 974 other children in the home, or any other child.
- 975 4. Refrain from contacting the child at home, school,
- 976 work, or wherever the child may be found.
- 977 5. Have limited or supervised visitation with the child.
- 978 ~~6. Pay temporary support for the child or other family~~
- 979 ~~members; the costs of medical, psychiatric, and psychological~~
- 980 ~~treatment for the child incurred as a result of the offenses;~~

981 ~~and similar costs for other family members.~~

982 ~~6.7.~~ Vacate the home in which the child resides.

983 (b) Upon proper pleading, the court may award the
 984 following relief in a temporary ex parte or final injunction ~~if~~
 985 ~~the intent of the injunction is to protect the child from~~
 986 ~~domestic violence, the conditions may also include:~~

987 1. ~~Awarding the~~ Exclusive use and possession of the
 988 dwelling to the caregiver or exclusion of ~~excluding~~ the alleged
 989 or actual offender from the residence of the caregiver.

990 2. ~~Awarding temporary custody of the child to the~~
 991 ~~caregiver.~~

992 ~~2.3.~~ Establishing Temporary support for the child or other
 993 family members.

994 3. The costs of medical, psychiatric, and psychological
 995 treatment for the child incurred due to the abuse, and similar
 996 costs for other family members.

997
 998 This paragraph does not preclude an ~~the~~ adult victim of domestic
 999 violence from seeking protection for himself or herself under s.
 1000 741.30.

1001 (c) The terms of the final injunction shall remain in
 1002 effect until modified or dissolved by the court. The petitioner,
 1003 respondent, or caregiver may move at any time to modify or
 1004 dissolve the injunction. Notice of hearing on the motion to
 1005 modify or dissolve the injunction must be provided to all
 1006 parties, including the department. The injunction is valid and
 1007 enforceable in all counties in the state.

1008 ~~(5)-(4)~~ Service of process on the respondent shall be

HB 803

2012

1009 carried out pursuant to s. 741.30. The department shall deliver
 1010 a copy of any injunction issued pursuant to this section to the
 1011 protected party or to a parent, caregiver, or individual acting
 1012 in the place of a parent who is not the respondent. Law
 1013 enforcement officers may exercise their arrest powers as
 1014 provided in s. 901.15(6) to enforce the terms of the injunction.

1015 ~~(6)~~~~(5)~~ Any person who fails to comply with an injunction
 1016 issued pursuant to this section commits a misdemeanor of the
 1017 first degree, punishable as provided in s. 775.082 or s.
 1018 775.083.

1019 (7) The person against whom an injunction is entered under
 1020 this section does not automatically become a party to a
 1021 subsequent dependency action concerning the same child unless he
 1022 or she was a party to the action in which the injunction was
 1023 entered.

1024 Section 10. Paragraph (r) of subsection (2) of section
 1025 39.521, Florida Statutes, is amended to read:

1026 39.521 Disposition hearings; powers of disposition.—

1027 (2) The predisposition study must provide the court with
 1028 the following documented information:

1029 (r) If the child has been removed from the home and will
 1030 be remaining with a relative, parent, or other adult approved by
 1031 the court, a home study report concerning the proposed placement
 1032 shall be included in the predisposition report. Before ~~Prior~~ to
 1033 recommending to the court any out-of-home placement for a child
 1034 other than placement in a licensed shelter or foster home, the
 1035 department shall conduct a study of the home of the proposed
 1036 legal custodians, which must include, at a minimum:

HB 803

2012

- 1037 1. An interview with the proposed legal custodians to
1038 assess their ongoing commitment and ability to care for the
1039 child.
- 1040 2. Records checks through the State Automated Child
1041 Welfare Information System (SACWIS) ~~Florida Abuse Hotline~~
1042 ~~Information System (FAHIS)~~, and local and statewide criminal and
1043 juvenile records checks through the Department of Law
1044 Enforcement, on all household members 12 years of age or older.
1045 In addition, the fingerprints of any household members who are
1046 18 years of age or older may be submitted to the Department of
1047 Law Enforcement for processing and forwarding to the Federal
1048 Bureau of Investigation for state and national criminal history
1049 information. The department has the discretion to request State
1050 Automated Child Welfare Information System (SACWIS) and local,
1051 statewide, and national criminal history checks and
1052 fingerprinting of any other visitor to the home who is made
1053 known to the department ~~and any other persons made known to the~~
1054 ~~department who are frequent visitors in the home.~~ Out-of-state
1055 criminal records checks must be initiated for any individual
1056 ~~designated above~~ who has resided in a state other than Florida
1057 ~~if provided~~ that state's laws allow the release of these
1058 records. The out-of-state criminal records must be filed with
1059 the court within 5 days after receipt by the department or its
1060 agent.
- 1061 3. An assessment of the physical environment of the home.
- 1062 4. A determination of the financial security of the
1063 proposed legal custodians.
- 1064 5. A determination of suitable child care arrangements if

1065 the proposed legal custodians are employed outside of the home.

1066 6. Documentation of counseling and information provided to
 1067 the proposed legal custodians regarding the dependency process
 1068 and possible outcomes.

1069 7. Documentation that information regarding support
 1070 services available in the community has been provided to the
 1071 proposed legal custodians.

1072
 1073 The department may ~~shall~~ not place the child or continue the
 1074 placement of the child in a home under shelter or
 1075 postdisposition placement if the results of the home study are
 1076 unfavorable, unless the court finds that this placement is in
 1077 the child's best interest.

1078
 1079 Any other relevant and material evidence, including other
 1080 written or oral reports, may be received by the court in its
 1081 effort to determine the action to be taken with regard to the
 1082 child and may be relied upon to the extent of its probative
 1083 value, even though not competent in an adjudicatory hearing.
 1084 Except as otherwise specifically provided, nothing in this
 1085 section prohibits the publication of proceedings in a hearing.

1086 Section 11. Subsection (2) and paragraph (b) of subsection
 1087 (4) of section 39.6011, Florida Statutes, are amended to read:

1088 39.6011 Case plan development.—

1089 (2) The case plan must be written simply and clearly in
 1090 English and, if English is not the principal language of the
 1091 child's parent, to the extent possible in the parent's principal
 1092 language. Each case plan must contain:

HB 803

2012

1093 (a) A description of the identified problem being
1094 addressed, including the parent's behavior or acts resulting in
1095 risk to the child and the reason for the intervention by the
1096 department.

1097 (b) The permanency goal.

1098 (c) If concurrent planning is being used, a description of
1099 the permanency goal of reunification with the parent or legal
1100 custodian in addition to a description of one of the remaining
1101 permanency goals described in s. 39.01.

1102 1. If a child has not been removed from a parent, but is
1103 found to be dependent, even if adjudication of dependency is
1104 withheld, the court may leave the child in the current placement
1105 with maintaining and strengthening the placement as a permanency
1106 option.

1107 2. If a child has been removed from a parent and is placed
1108 with a parent from whom the child was not removed, the court may
1109 leave the child in the placement with the parent from whom the
1110 child was not removed with maintaining and strengthening the
1111 placement as a permanency option.

1112 3. If a child has been removed from a parent and is
1113 subsequently reunified with that parent, the court may leave the
1114 child with that parent with maintaining and strengthening the
1115 placement as a permanency option.

1116 (d) The date the compliance period expires. The case plan
1117 must be limited to as short a period as possible for
1118 accomplishing its provisions. The plan's compliance period
1119 expires no later than 12 months after the date the child was
1120 initially removed from the home, the child was adjudicated

HB 803

2012

1121 dependent, or the date the case plan was accepted by the court,
 1122 whichever occurs first ~~sooner~~.

1123 (e) A written notice to the parent that failure of the
 1124 parent to substantially comply with the case plan may result in
 1125 the termination of parental rights, and that a material breach
 1126 of the case plan may result in the filing of a petition for
 1127 termination of parental rights sooner than the compliance period
 1128 set forth in the case plan.

1129 (4) The case plan must describe:

1130 (b) The responsibility of the case manager to forward a
 1131 relative's request to receive notification of all proceedings
 1132 and hearings submitted pursuant to s. 39.301(14)(b)

1133 ~~39.301(15)(b)~~ to the attorney for the department;

1134 Section 12. Subsection (1) of section 39.621, Florida
 1135 Statutes, is amended to read:

1136 39.621 Permanency determination by the court.—

1137 (1) Time is of the essence for permanency of children in
 1138 the dependency system. A permanency hearing must be held no
 1139 later than 12 months after the date the child was removed from
 1140 the home or within ~~no later than~~ 30 days after a court
 1141 determines that reasonable efforts to return a child to either
 1142 parent are not required, whichever occurs first. The purpose of
 1143 the permanency hearing is to determine when the child will
 1144 achieve the permanency goal or whether modifying the current
 1145 goal is in the best interest of the child. A permanency hearing
 1146 must be held at least every 12 months for any child who
 1147 continues to be supervised by ~~receive supervision from~~ the
 1148 department or awaits adoption.

HB 803

2012

1149 Section 13. Paragraph (b) of subsection (3), subsection
 1150 (6), and paragraph (e) of subsection (10) of section 39.701,
 1151 Florida Statutes, are amended to read:

1152 39.701 Judicial review.—

1153 (3)

1154 (b) If the citizen review panel recommends extending the
 1155 goal of reunification for any case plan beyond 12 months from
 1156 the date the child was removed from the home, or the case plan
 1157 was adopted, or the child was adjudicated dependent, whichever
 1158 date came first, the court must schedule a judicial review
 1159 hearing to be conducted by the court within 30 days after
 1160 receiving the recommendation from the citizen review panel.

1161 (6) The attorney for the department shall notify a
 1162 relative who submits a request for notification of all
 1163 proceedings and hearings pursuant to s. 39.301(14)(b)
 1164 ~~39.301(15)(b)~~. The notice shall include the date, time, and
 1165 location of the next judicial review hearing.

1166 (10)

1167 (e) Within ~~No later than~~ 6 months after the date that the
 1168 child was placed in shelter care, the court shall conduct a
 1169 judicial review hearing to review the child's permanency goal as
 1170 identified in the case plan. At the hearing the court shall make
 1171 findings regarding the likelihood of the child's reunification
 1172 with the parent or legal custodian within 12 months after the
 1173 removal of the child from the home. ~~If, at this hearing,~~ the
 1174 court makes a written finding that it is not likely that the
 1175 child will be reunified with the parent or legal custodian
 1176 within 12 months after the child was removed from the home, the

HB 803

2012

1177 department must file with the court, and serve on all parties, a
 1178 motion to amend the case plan under s. 39.6013 and declare that
 1179 it will use concurrent planning for the case plan. The
 1180 department must file the motion within ~~no later than~~ 10 business
 1181 days after receiving the written finding of the court. The
 1182 department must attach the proposed amended case plan to the
 1183 motion. If concurrent planning is already being used, the case
 1184 plan must document the efforts the department is taking to
 1185 complete the concurrent goal.

1186 Section 14. Paragraph (a) of subsection (1) of section
 1187 39.8055, Florida Statutes, is amended to read:

1188 39.8055 Requirement to file a petition to terminate
 1189 parental rights; exceptions.—

1190 (1) The department shall file a petition to terminate
 1191 parental rights within 60 days after any of the following if:

1192 (a) The ~~At the time of the 12-month judicial review~~
 1193 ~~hearing,~~ a child is not returned to the physical custody of the
 1194 parents 12 months after the child was sheltered or adjudicated
 1195 dependent, whichever occurs first;

1196 Section 15. Paragraphs (e) and (k) of subsection (1) and
 1197 subsection (2) of section 39.806, Florida Statutes, are amended
 1198 to read:

1199 39.806 Grounds for termination of parental rights.—

1200 (1) Grounds for the termination of parental rights may be
 1201 established under any of the following circumstances:

1202 (e) When a child has been adjudicated dependent, a case
 1203 plan has been filed with the court, and:

1204 1. The child continues to be abused, neglected, or

HB 803

2012

1205 | abandoned by the parent or parents. The failure of the parent or
 1206 | parents to substantially comply with the case plan for a period
 1207 | of 12 ~~9~~ months after an adjudication of the child as a dependent
 1208 | child or the child's placement into shelter care, whichever
 1209 | occurs first, constitutes evidence of continuing abuse, neglect,
 1210 | or abandonment unless the failure to substantially comply with
 1211 | the case plan was due to the parent's lack of financial
 1212 | resources or to the failure of the department to make reasonable
 1213 | efforts to reunify the parent and child. The 12-month ~~9-month~~
 1214 | period begins to run only after the child's placement into
 1215 | shelter care or the entry of a disposition order placing the
 1216 | custody of the child with the department or a person other than
 1217 | the parent and the court's approval of a case plan having the
 1218 | goal of reunification with the parent, whichever occurs first;
 1219 | or

1220 | 2. The parent or parents have materially breached the case
 1221 | plan. Time is of the essence for permanency of children in the
 1222 | dependency system. In order to prove the parent or parents have
 1223 | materially breached the case plan, the court must find by clear
 1224 | and convincing evidence that the parent or parents are unlikely
 1225 | or unable to substantially comply with the case plan before time
 1226 | to comply with the case plan expires.

1227 | (k) A test administered at birth that indicated that the
 1228 | child's blood, urine, or meconium contained any amount of
 1229 | alcohol or a controlled substance or metabolites of such
 1230 | substances, the presence of which was not the result of medical
 1231 | treatment administered to the mother or the newborn infant, and
 1232 | the biological mother of the child is the biological mother of

HB 803

2012

1233 at least one other child who was adjudicated dependent after a
 1234 finding of harm to the child's health or welfare due to exposure
 1235 to a controlled substance or alcohol as defined in s.
 1236 39.01~~(32)(g)~~, after which the biological mother had the
 1237 opportunity to participate in substance abuse treatment.

1238 (2) Reasonable efforts to preserve and reunify families
 1239 are not required if a court of competent jurisdiction has
 1240 determined that any of the events described in paragraphs
 1241 (1)(b)-(d) or (f)-(l) ~~(1)(e)-(l)~~ have occurred.

1242 Section 16. Subsections (1) and (19) of section 39.502,
 1243 Florida Statutes, are amended to read:

1244 39.502 Notice, process, and service.—

1245 (1) Unless parental rights have been terminated, all
 1246 parents must be notified of all proceedings or hearings
 1247 involving the child. Notice in cases involving shelter hearings
 1248 and hearings resulting from medical emergencies must be that
 1249 most likely to result in actual notice to the parents. In all
 1250 other dependency proceedings, notice must be provided in
 1251 accordance with subsections (4)-(9), except when a relative
 1252 requests notification pursuant to s. 39.301(14)(b)
 1253 ~~39.301(15)(b)~~, in which case notice shall be provided pursuant
 1254 to subsection (19).

1255 (19) In all proceedings and hearings under this chapter,
 1256 the attorney for the department shall notify, orally or in
 1257 writing, a relative requesting notification pursuant to s.
 1258 39.301(14)(b) ~~39.301(15)(b)~~ of the date, time, and location of
 1259 such proceedings and hearings, and notify the relative that he
 1260 or she has the right to attend all subsequent proceedings and

HB 803

2012

1261 | hearings, to submit reports to the court, and to speak to the
 1262 | court regarding the child, if the relative so desires. The court
 1263 | has the discretion to release the attorney for the department
 1264 | from notifying a relative who requested notification pursuant to
 1265 | s. 39.301(14)(b) ~~39.301(15)(b)~~ if the relative's involvement is
 1266 | determined to be impeding the dependency process or detrimental
 1267 | to the child's well-being.

1268 | Section 17. Section 39.823, Florida Statutes, is amended
 1269 | to read:

1270 | 39.823 Guardian advocates for drug dependent newborns.—The
 1271 | Legislature finds that increasing numbers of drug dependent
 1272 | children are born in this state. Because of the parents'
 1273 | continued dependence upon drugs, the parents may temporarily
 1274 | leave their child with a relative or other adult or may have
 1275 | agreed to voluntary family services under s. 39.301(14)
 1276 | ~~39.301(15)~~. The relative or other adult may be left with a child
 1277 | who is likely to require medical treatment but for whom they are
 1278 | unable to obtain medical treatment. The purpose of this section
 1279 | is to provide an expeditious method for such relatives or other
 1280 | responsible adults to obtain a court order which allows them to
 1281 | provide consent for medical treatment and otherwise advocate for
 1282 | the needs of the child and to provide court review of such
 1283 | authorization.

1284 | Section 18. Paragraph (a) of subsection (1) of section
 1285 | 39.828, Florida Statutes, is amended to read:

1286 | 39.828 Grounds for appointment of a guardian advocate.—

1287 | (1) The court shall appoint the person named in the
 1288 | petition as a guardian advocate with all the powers and duties

HB 803

2012

1289 specified in s. 39.829 for an initial term of 1 year upon a
1290 finding that:

1291 (a) The child named in the petition is or was a drug
1292 dependent newborn as described in s. 39.01~~(32)~~~~(g)~~;

1293 Section 19. This act shall take effect July 1, 2012.